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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,865	06/25/2003	Robert L. Grohs	6368.110	2121
7590 06/30/2004				
ROBERT L. GROHS 18417 TRANQUIL LN OLNEY, MD 20832			EXAMINER PAIK, SANG YEOP	
			ART UNIT 3742	PAPER NUMBER
DATE MAILED: 06/30/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/602,865

Applicant(s)

GROHS, ROBERT L.

Examiner

Sang Y Paik

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/27/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. The abstract of the disclosure is objected to because it is longer than 150 words.

Correction is required. See MPEP § 608.01(b).

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

3. Claims 1-19 are objected to because of the following informalities: the claims are misnumbered. There are a total of 19 claims with first two claims that are numbered as claim 1. Claims are renumbered as 1-19 for the purposes of examination with the second claim 1 as claim 2. The first claim 1 and renumbered claim 17 are now the independent claims. Appropriate correction is required.

4. Claim 14 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 14 contains no other structure to further define the structure of the apparatus. The recitations with respect to type of foods being cook do not further define the structure of the electric grill.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-16 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 7, the recited term “may be” fails to positively recite the scope of the claims. It is suggested that such term is amended with --is--, and delete “may” in claim 6.

In claim 4, there is no proper antecedent basis for “the shallow walls”.

In claim 18, there is no proper antecedent basis for “said unitary base structure”

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1- 14 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien et al (US 5,355,779) in view of Glucksman et al (US 6,064,042) and Watson (US 2,081,078).

O'Brien et al shows an electrical grill having a primary cooking unit made of aluminum having a ribbed grilling surface and a flat cooking surface with an integral heating coil molded into the cooking unit. O'Brien et al further shows that the ribbed grilling surface has channels

Art Unit: 3742

that slope downwardly to permit liquids run off. However, O'Brien does not show the temperature regulating device and the adjustable and detachable food divider.

Glucksman et al shows an electrical grill having a temperature regulating device with an integral electric cord and plug.

Watson shows a cooking utensil having a wall with grooved and smooth side and a food divider to divide the cooking utensil base into a plurality of compartments containing a plurality of food varieties.

In view of Glucksman et al, it would have been obvious to one of ordinary skill in the art to adapt O'Brien et al with the electrical plug having the temperature regulating unit to better control the heating temperature of the cooking unit; and, in view of Watson, it would have been obvious to one of ordinary skill in the art to adapt Glucksman et al with the food divider to provide a plurality of compartments to cook a plurality of food varieties.

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien et al in view of Glucksman et al and Watson as applied to claims 1- 14 and 16-19 above, and further in view of Kasai (US 6,024,014).

O'Brien et al in view of Glucksman et al and Watson discloses the structure claimed except having the grill surface raised near the center of the cooking unit.

Kasai shows a cooking unit having its center raised slightly so that the grease would naturally flow from the center of the cooktop to its side where the grease collecting reservoir is provided. In view of Kasai, it would have been obvious to one of ordinary skill in the art to adapt O'Brien et al, as modified by Glucksman et al and Watson with the raised surface so that the

Art Unit: 3742

grease or other liquids may be directed naturally by its gravity to a designated grease collecting reservoir.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Y Paik whose telephone number is 703-308-1147. The examiner can normally be reached on M-F (9:00-4:00) First Friday Off.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S-12

Sang Y Paik
Primary Examiner
Art Unit 3742

syp